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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,400	09/11/2003	Song-Rac Cho	P-0530	3763

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/659,400

Applicant(s)

CHO, SONG-RAE

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 3-25 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/11/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Information Disclosure Statement**

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 06/09/03 have been considered by the examiner (see attached PTO-1449)

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-25, are rejected under 35 U.S.C. 102(e) as being anticipated by Qu et al. (US Publication 2004/0203615 A1).

Regarding claims 1, 8, Qu teaches a method for changing a parameter of a mobile telecommunication terminal, comprising:

forming a short message service (SMS) message including a parameter to be changed in a mobile telecommunication terminal **to receive the SMS message** (0025, 0030-0031); and

transmitting the SMS message **to change a pre-stored parameter that controls a performance of the mobile telecommunication terminal** (0006, 0031, 0037-0038). Qu inherently teaches a parameter to be changed in a mobile telecommunication terminal **to receive the SMS message** and a password (see table 3) for a certification with a destination mobile telecommunication terminal (0046-0049).

Regarding claims 3, 9, Qu teaches a method wherein the information are already in the mobile (0006,0046) wherein the **password already stored** (see table 3) in each mobile telecommunication terminal (0046-0049).

Regarding claim 4, Qu inherently teaches a method of claim 2, wherein the parameter and password are included as parameters of the SMS message (0025, 0046-00049).

Regarding claim 5, Qu inherently teaches a method of claim 2, wherein the **further comprising changing a store parameter** at the mobile telecommunication terminal when the password of the SMS message is identical to a password (see table 3) stored in the mobile telecommunication terminal (0006, 0025, 0046-0049).

Regarding claim 6, Qu teaches a method of claim 1, wherein the parameter to be changed controls a performance of the mobile telecommunication terminal (0042).

Regarding claim 7, Qu teaches a method of claim 1, further comprising:

receiving the SMS message at the mobile telecommunication terminal (0027-0031);

storing the parameter to be changed in a memory of the mobile telecommunication terminal (0006); and

applying the parameter to the mobile telecommunication terminal (0055-0056) .

Regarding claim 8, Qu teaches a method for changing a performance controlling parameter of a mobile telecommunication terminal, comprising: receiving a short message service (SMS) message, **at the mobile telecommunication terminal, the SMS message**, including a password of a mobile telecommunication terminal and a performance controlling parameter of the mobile telecommunication terminal to be changed (0025, 0030-0031);

storing the performance controlling parameter **instead of a pre-stored performance controlling parameter** in the mobile telecommunication terminal **that received the SMS message** (0006, 0031, 0037-0038); and

applying the performance controlling parameter to the mobile telecommunication terminal (0056-0060).

Regarding claim 10, Qu teaches a method of claim 8, wherein receiving the SMS message comprises:

forming the SMS message by inputting the performance controlling parameter to be changed to a performance controlling parameter field of the SMS message (0042);

inputting the password (table 3) corresponding to the mobile telecommunication terminal to a performance controlling password field of the SMS message (0048-0050);  
and

transmitting the SMS message to the mobile telecommunication terminal (0006, 0031, 0037-0037).

Regarding claim 11, Qu teaches a method of claim 8, wherein storing the performance controlling parameter comprises: performing a certification process by using the password (table 3) of the received SMS message; and

storing the performance controlling parameters to a memory of the mobile telecommunication terminal (0044, 0055).

Regarding claim 12, Quteaches a method of claim 11, wherein the certification process comprises comparing the password with a stored password in the memory of the mobile telecommunication terminal (0068).

Regarding claim 13, Quteaches a method of claim 11, wherein **performing the certification process comprises determining** of whether the password (table 3)

extracted from the **SMS** message is identical to a password already stored in the mobile telecommunication terminal or not is made in the certification process (0059).

Regarding claim 14, Qu teaches a method of claim 12, wherein **discarding** the received SMS message by the mobile telecommunication terminal if the extracted password is not identical to the password already **stored** in the mobile telecommunication terminal (0046-0049, 0065).

Regarding claim 15, Qu teach a method of claim 11, wherein the memory is a nonvolatile memory in which performance controlling parameters of the mobile telecommunication terminal are stored (0006).

Regarding claim 16, Qu teaches a method for changing a performance controlling parameter of a mobile telecommunication terminal, comprising: receiving a short message service (SMS) message by the mobile telecommunication terminal; and including the performance controlling parameter as a parameter of the mobile telecommunication terminal that **received the SMS message** wherein a value for changing the performance controlling parameter is included as a special field among SMS message formats of the mobile telecommunication terminal (0045-0046).

Regarding claim 17, Qu teaches a method of claim 16, wherein the special field comprises:

a CHARi field configured to contain the performance controlling parameter value to be changed (0057); and  
a MSG\_ENCODING field to denote a kind of codes inputted to the CHARi field (0057).

Regarding claim 18, Qu teaches a method of claim 17, wherein a sub-parameter of the CHARi field (0056-0057) comprises:

a performance controlling password field where a password is inputted; and  
a performance controlling parameter field where the performance controlling parameter value to be changed is inputted (0046-0049, 0056-0057).

Regarding claim 19, Qu teaches a method of claim 17, wherein the CHARi field is inputted (0057), wherein the CHARi field is inputted by an octet unit (0059-0060).

Regarding claim 20, Qu teaches a method of claim 19, wherein a prescribed byte notifying a change of the performance controlling parameter is inputted in a first octet of the CHARi field and a change value for the performance controlling parameter is inputted to a second octet (0060-0062).



Regarding claim 21, Qu teaches a method of claim 16, wherein including the performance controlling parameter comprises replacing the parameter of the mobile telecommunication terminal with the performance controlling parameter (0060-0061).

Regarding claim 22, Qu teaches a short message service (SMS) message, comprising:

a CHARi field, configured to contain a performance controlling parameter value to be provided to a mobile communication terminal to modify an operation of the mobile telecommunication terminal (0056-0060); and

a MSG-ENCODING field, to indicate a kind of code used in the CHARi field (0057).

Regarding claim 23, Qu inherently teaches a SMS message of claim 22, further comprising a performance controlling password field, configured to contain a password to authenticate a recipient of the SMS message (0046-0049).

Regarding claim 24, Qu teaches a method wherein forming the SMS message comprises forming the SMS message at a mobile telecommunication provider or a mobile telecommunication terminal manufacture (0036-0039).

Regarding claim 25, Qu teaches a method wherein further changing an error of the mobile communication terminal based on the parameter to be changed included within the SMS message (0061-0061)

***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 3-25 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 5571-272-791313. The examiner can normally be reached on 8:00 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 28, 2005



NELOUT MEHROUPOUR  
PATENT EXAMINER

Application/Control Number: 10/659,400  
Art Unit: 2686

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